

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
MONDAY, MAY 4, 2015, 7:00 P.M., ON THE
4th FLOOR, CAFETERIA, GOVERNMENT CENTER
BLDG, 888 WASHINGTON BLVD., STAMFORD, CT**

Present for the Board: Thomas Mills arrived at 7:15pm (Chair), Barry Michelson (Secretary), Rosanne McManus, Bill Morris, David Stein and Joanna Gwozdzowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

In Chairman Mill's initial absence, Secretary Michelson called the meeting to order at 7:08 pm. Ms. Gwozdzowski was seated till Mr. Mills arrived.

Mr. Stein made a motion to take the agenda out of order, seconded by Ms. McManus and the motion was approved 5:0 (McManus, Michelson, Morris, Stein and Gwozdzowski).

APPROVAL OF MINUTES:

Minutes for Approval: April 27, 2015

Ms. Gwozdzowski and Ms. McManus submitted corrections to the draft minutes on page 3. Ms. Gwozdzowski moved to approve the minutes as amended with these corrections, seconded by Ms. McManus and the motion was approved 4:0 (McManus, Michelson, Gwozdzowski and Stein).

OLD BUSINESS

1. Appl. 214-05 – RB Stamford Associates, LLC: Site Plan/Requested Uses and Special Exception related to a mixed-use development including 672 residential units, a public café, indoor and outdoor community amenity space and a resident parking area which will be integrated below the building as well as other site improvements. The subject site, referred to as Urban Renewal Plan Parcel 38A & 38B (also known as “the hole in the ground”), is located at the northeast intersection of Greyrock Place and Tresser Boulevard and consists of approximately 4.32 acres (*request for time extension*).

After a brief discussion, Ms. McManus made a motion to approve the time extension, seconded by Mr. Stein and the motion was approved 5:0 (McManus, Michelson, Morris, Stein and Gwozdzowski). The new expiration date will be June 16, 2016.

2. Appl. 213-20 - CCMCR HS 700 Canal Street, LLC; CCMCR HS 850 Canal Street, LLC; CCMCR HS 880 Canal Street, LLC; and Canal Street Harbor Square, LLC (*discussion of proposed revisions to landscape and design improvements to a portion of the Public Access Easement*).

Mr. Killeen explained that Staff is working with the applicant, and they have asked to work with staff in resolving this application. No action was required tonight.

Mr. Mills arrived at 7:15pm

Ms. McManus made a motion to return to the order of the agenda, seconded by Mr. Stein and the motion was approved 5:0 (Mills, McManus, Michelson, Morris and Stein)

REGULAR MEETING

An Overview of the Freedom of Information Act

By Amy LiVolsi, City of Stamford Law Department, Assistant Counsel

The Board welcomed Amy LiVolsi of the City's Law Department who provided the Zoning Board with information on the Freedom of Information (FOI) Act and how it relates to individuals who serve as a member of a Land Use Board such as the Zoning Board. She discussed the three types of meetings: regular, special and emergency and explained when it is permitted to have an executive session. She cautioned members to be careful not to have unnoticed meetings. The public should have the right to access records. You have to acknowledge a request within 4 days. Certain records are not covered under the FOIA such as: preliminary drafts when it is determined that it could be harmful to release the draft. Ms. LiVolsi suggested that the Zoning Board use City email addresses to help the law department assembling emails if necessary to respond to an FOI request.

Mr. Killeen will forward information about City email addresses for the Board. If there is an FOI compliant, Amy would assist Board Members/Staff in responding to the complaint in Hartford.

Mr. Cole asked what the penalty was for a violation? Ms. LiVolsi said it varies, it could include having everything redone entirely and sometimes it could involve fines. Ms. LiVolsi concluded her presentation by offering her assistance whenever the Board had a question.

PUBLIC HEARING

1. **Appl. 215-09 – WILLIAM J. HENNESSEY, JR, Text change,** to Amend Article III, Section 4-AA-11 the Village Commercial District by 1) modifying the maximum building height to 4 stories and 45 feet and establishing the 12 foot building façade setback above the third story instead of at 32 feet as currently required, 2) by defining a specific standard for parking space dimensions as well as provisions for tandem parking spaces and 3) setting zero setback from the front property line as a minimum standard.

Chairman Mills read the description of this item into the record.

Secretary Michelson read the referral letter from the Planning Board, dated April 29, 2015, recommending approval of the proposed text changes with the recommended amendments by Norman F. Cole, AICP, Land Use Bureau Chief, noting that these requests were consistent with the 2015 Master Plan Category #6 Commercial Arterial District.

Attorney Hennessey introduced his team: Lisa Feinberg, Jason Klein, developer Jerry Kiley and the project architect. He presented the proposed text changes, explaining they involve height increase and housekeeping improvements to the regulations to strengthen the standards and minimize arbitrary decisions. Developer Jerry Kiley, Harbor Development is considering buying the property at 504 Glenbrook Road and to develop it if the text changes are approved. The current limit is not conducive to redevelop this site with a village commercial development. The development could involve approximately 44 units but not financially possible to build without the 4th story. Attorney Hennessey also discussed minimizing the impact by using the setback which helps soften the appearance of the building. Goody Clancy study recommended the 4th

story be added for Glenbrook. The developers approached the property owner to make the purchase, subject to the text change approval. A committee of Glenbrook Neighborhood Association (GNA) worked with Staff to refine the proposed text change. Glenbrook open forum on April 22 supported most of the changes. While not unanimous, the majority of attendees supported the 4th story. The front yard setback would be 0' but no less than 12' from the curb-line. Mr. Mills suggested they should have a maximum setback as well to support the Village concept. Mr. Cole said it is probably more important to have flexibility to provide activation of sidewalks/streetscapes. Mr. Cole also said the driveway entrance height needed to be addressed to provide room for EverSource trucks to access their transformers.

Attorney Hennessey discussed parking and said the Applicant is seeking flexibility in locating parking near buildings and property lines. They support changes made by Staff and would retain Section 12-A of the Zoning Regulations. The regulation also addressed treatment of step-backs when viewed from a public way.

Mr. Cole then discussed elements of the proposed regulations. He noted that the consultant concluded that some properties would not be able to support a market price without the 4th floor.

Ms. McManus questioned if there were items requested by Staff that were not included in the proposed regulation? Mr. Cole said no.

Mr. Mills asked if there was anyone from the public that wished to speak on the proposed text changes.

Mike Battinelli, 225 Colonial Road, said he was at the neighborhood meeting last week and felt that though most voted for this, he didn't agree. He represents long-term residents. He doesn't believe they need that many changes. He feels owners should sell property at a lower amount. Is there a hardship? He feels the sale is a question of greed. He has 220 signatures in opposition which he submitted as a petition. He argued against the application and expressed a concern about parking. He feels there should be more parking required. He thought he heard that 10 properties could have a 4th story but overall, this would not be for the betterment of Glenbrook.

Frank Macchio, 23-25 Parker Avenue, said it sounds like this would have an entrance off Parker Avenue which would result in higher density, higher population and they are against the village concept. Traffic concerns; too many trains and trucks. Did not make the open forum.

Melanie Hollas, member of GNA, said she supports the 4th story. Glenbrook is lacking a Main Street vitality and this would help to attract new development. She questioned the changes in the language.

Brien Adams, 64 Pine Hill, was not part of GNA. He was a fire marshal for a number of years and this is not a good height. This will be overwhelming and not a good fit for the roads. He asked the Board to keep the height at 3 stories.

Scott Hollas, 41 Fairmont, supports the 4th story. Traffic is a concern and needs to be reviewed. Doesn't want to miss the opportunity to redevelop Glenbrook; would like to see change; we have a responsibility to the future. It was encouraging to promote a drive aisle on the side of buildings with longer storefronts; a row along the street. He's in support of the application.

Erik Larson, 74 Tremont Avenue, in walking distance and wanted access to the train station and potential for village community. Supports a 4th floor.

Kristine D'Elisa, part of the community. She's an architect and worked on streetscape improvements. Glenbrook Road is 36 feet wide; Crescent Street is 30 feet wide and she feels the pedestrian experience could be impacted. A 12' step-back on all sides/street frontage and 5' setback should be down all sides. Needs to match to Section 7-R of the Regulations. Reduce the height within 25' of a residential zone. When you look at the renderings, they do show setbacks. A typical urban design is a 2:1 ratio of street to buildings.

Anne Goslin, 70 Fairmont Avenue, 2005-2009 participated in early studies and she supports residential development that supports street vitality. She is in favor of the 4th story.

Christie Fountain, 35 Oakdale Road, President of GNA. She summarized the process they have gone through. The consensus of the GNA Open Forum was to support the 4th story. The GNA Board after the Forum voted 5 in favor and 2 against the 4th story at the meeting last week.

Kathy Finnigan, supports 4 stories but wanted it limited to specific large properties.

Jerry Kiley, would be the developer of 504 Glenbrook Road if this text change is approved. The former zoning was C-N. VCD should be a catalyst for change.

Mr. Mills took a 10 minute recess and resumed the Public Hearing at 9:25pm

Attorney Hennessey asked to make some quick comments regarding the public comments. 1) They are not changing the parking standards and will comply with them; 2) there will not be a multitude of parcels that will be affected; Goody Clancy studied this carefully and identified only a few. 3) what prevents village character are properties like Joe G's. 4) most residential neighborhoods are already at 3 stories. 5) 4 stories is purposeful to allow full use of the development rights established by the regulations. 6) traffic studies, drainage and utility capacity would be covered at the site plan stage. 7) the Applicant has taken quite a long time to develop this application. Attorney Hennessey has worked carefully with the Neighborhood Association and the neighbors. Real estate is a matter of timing but if the market window closes, you lose this project. Joe G's property is a contractors yard. They've submitted 3 reports. The March 2015 version of the Glenbrook study contains affected properties on pages 24 and 25.

Ms. McManus asked for confirmation that there's approximately 3 properties that could use a 4th story. She asked Attorney Hennessey to send copies of pages 24 and 25 of the Goody Clancy Study.

Mr. Michelson asked a question about parking and if stalls would be 9' x 18'. Attorney Hennessey said yes.

Mr. Stein asked what happens when they remove Section 12-A: size and dimensions, Sections 12-B, 12-C: distance of parking to the property line (3') and building (5') from the Regulations? Attorney Hennessey stated that Section 12-A will remain as requested by Mr. Cole.

Ms. Gwozdzowski asked how large a building would be put on the property and how many more units with the addition of the 4th story? Attorney Hennessey said they would have to cut the density by 25% without the 4th floor (33 apartments versus 44 apartments).

Mr. Mills asked if driveway sharing should be encouraged by putting the curb-cuts on the side of the property. This would also maximize the retail façade length. Attorney Hennessey said he didn't think this should be in the village commercial regulations and there should be flexibility.

There being no further comments Chairman Mills closed the public hearing on this application at 9:50pm.

2. **Appl. 215-12 – 72 CUMMINGS POINT ROAD, LLC, Text change,** to Amend Article III, Section 9-C IP-D Designed Industrial Park District by correcting paragraph 3 to read Subsection M and amending paragraph 7 to allow Zoning Board Special Exception approval for reduced 10' street setback requirements for any single story building with a maximum Floor Area Ratio of 0.1.
3. **Appl. 215-13 – 72 CUMMINGS POINT ROAD, LLC, Special Exception, Site & Architectural Plans and/or Requested Uses and Coastal Site Plan Review,** to demolish an existing 1,200sf building and construct a new 3,726sf single story structure for non-profit use as well as associated site improvements on 5.3 acres in a CAM boundary. Applicant is seeking reduced street setbacks, low density occupancy and a reduction in parking.

Chairman Mills read the description of these applications into the record.

Secretary Michelson read the referral letter from the Planning Board, dated April 29, 2015, recommending approval of the proposed text changes and the requests for approval of Special Exception, Site Plan and CSPR, noting that these requests were consistent with the 2015 Master Plan Category #8 Mixed-Use Campus.

Attorney Hennessey along with Attorney Feinberg, Jason Klein, Neil Olinski, Milone & McBroom and Eric Raines, Landscape Architect presented the applications and discussed the following points:

Application #215-12 – Proposed Text Change

- The IPD concept was more of an industrial zone but by the time it was validated, there was more of an interest in office buildings. Attorney Hennessey showed an aerial photograph to illustrate the location of the subject property in relation to its environs. SAC developed the property which is now called Point 72 Asset Management.
- The SAC Foundation needs a home of its own which was the origin of this proposal. The Applicant wants to demolish an existing cottage to construct this new 3,700 s.f. building.
- The existing regulations require a 50' setback, the history of which was an interest to establish a parking setback. The Applicant believes this building would be attractive and should be shown-off. It needs to be closer to the street. Approval of this application would take away any future building rights for this property. The concept was that the basement area would be exempted and they'd take out the word "existing".
- They are asking for three exceptions in the text change application and said they could support Staff's recommendations: 1) height limit for a one story would be 20'; 2) a larger amount of floor area ratio (FAR) from .1 to .02; and 3) just under 15' setback. The proposed location is ideal but the Applicant would accept the 15' front yard setback if the Board chooses to move the building away from the street an additional 18". This move would interfere with the alignment of the center door with an internal driveway and could restrict the location of 2 pedestrian pathways.

The project architect discussed and reviewed the materials to be used which are granite, wood and metal. They want a campus feel and a centered front entrance.

Eric Raines, Landscape Architect, described the path is bluestone; if the building is moved 18", it could interfere with the path.

Attorney Feinberg went through the history of the regulations from 1968. She described that 4 properties could be impacted by the text change.

Mr. Mills asked if there was anyone from the public that wished to speak on the proposed applications. There were none.

Attorney Feinberg submitted a draft set of conditions of approval for the Board's consideration.

Mr. Mills closed the Public Hearing on these two applications at 10:35pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes for Approval: April 13, 2015

Mr. Morris moved to approve the minutes, seconded by Mr. Michelson and the motion was approved 3:0 (Michelson, Morris and Mills).

NEW BUSINESS

Status Report on Strand v. ZBA Boatyard Court Case and Boatyard Consultant Contract

Mr. Cole provided an update and distributed a copy of the Market Study. BLT has committed \$25,000 to begin the initial study. Task 1 is under contract and part of Task 2, the consultant is being cautious and will come up with more questions on the Market Study before he can estimate the remaining work under the contract.

Mr. Stein asked why the whole scope was not funded. Mr. Cole said the consultant wanted more information.

Mr. Cole said the big item still needed is a proforma from the Applicant.

Mr. Mills said he'd like to identify any other items the consultant needs by May 11. He'd also like a representative from the Stamford Harbor Management Commission to comment on the consultant contract. Chairman Mills then asked that Attorney Jim Minor and/or Jim Lunney, Zoning Enforcement Officer, be present for questions on the pending Vitti text change application.

ADJOURNMENT

There being no further business, motion was made to adjourn the meeting at 10:50pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board